

Set

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JAN 18 AM 10:08

08 MJ 0148

UNITED STATES OF AMERICA,

Plaintiff,

v.

Keith FREEMAN

Defendant.

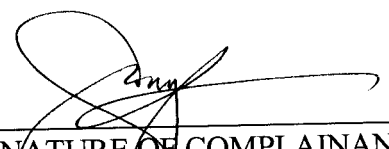
Magistrate Case No. BY KWIT DEPUTYCOMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about January 17, 2008, within the Southern District of California, defendant **Keith FREEMAN**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely **Yolanda GARNICA-Ramirez, Veronica LOPEZ-Hernandez, and Refugio DE LEON-Cuellar**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF
January, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Yolanda GARNICA-Ramirez, Veronica LOPEZ-Hernandez, and Refugio DE LEON-Cuellar** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 17, 2007, at approximately 1030 hours, **Keith FREEMAN (Defendant)**, applied for admission to the United States through primary lane 13 of the San Ysidro, California Port of Entry. Defendant was the driver of a tan 2000 Chevrolet Tahoe. Defendant presented as his own a counterfeit California driver license to the primary Customs and Border Protection (CBP) Officer. The Defendant and the vehicle were allowed to proceed forward past the inspection booth. Defendant was stopped by officers of the Anti-Terrorism Contraband Enforcement Team (AT-CET) during a post-primary operation. During the course of the inspection, a secondary CBP Officer discovered six persons concealed on the floor of the vehicle underneath a black blanket in the cargo area and behind the driver's seat. Defendant, all occupants, and vehicle were escorted to secondary.

In secondary, the six persons concealed within the vehicle admitted to being citizens of Mexico with no entitlements to enter the United States. Three of the six individuals were retained as material witnesses. They are now identified as **Yolanda GARNICA-Ramirez, Veronica LOPEZ-Hernandez, and Refugio DE LEON-Cuellar**.

During a videotaped interview, Defendant was advised of his Miranda rights and elected to answer questions without an attorney present. Defendant denied knowledge of the concealed undocumented aliens in the vehicle. Defendant initially admitted he was propositioned by a person in Mexico to drive the vehicle across the Port of Entry into the United States for \$1000.00 USD. Defendant recanted and stated he was to drive the vehicle into the United States as a favor to his friends in Mexico and to assist him in establishing contacts in Mexico on behalf of associates who are narcotics traffickers in the city of Amsterdam, The Netherlands. Defendant admitted to being given the counterfeit California driver license and the vehicle to facilitate his entry into the United States. Defendant admitted that at some point just prior to the primary inspection, he suspected that there may have been narcotics concealed in the vehicle. Defendant stated he was to drive the vehicle to an unspecified location in north San Diego County.

A videotaped interview was conducted with the Material Witnesses. Material Witnesses stated that they are citizens of Mexico and that they have no documents to lawfully enter the United States. Material Witnesses stated that they made individual arrangements directly with unknown smugglers in Tijuana, Mexico and were to pay smuggling fees ranging from \$800.00 USD to \$3,000.00 USD upon successfully being smuggled into the United States. Material Witnesses admitted their intention was to travel to anywhere in the United States and to Los Angeles, California for the purpose of residing and seeking employment.